Online Appendix Tables

This document contains tables and figures corresponding to the chapter on sentencing terrorism in the United States, prepared by authors from the Prosecution Project. All mean, median, and standard deviation figures depicted are in months.

For more information on the Prosecution Project (tPP), see https://theprosecutionproject.org/ and https://data.theprosecutionproject.org/.

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Table 1. Federal Crime of Terrorism Predicate Offenses Under 18 U.S.C. § 2332b(g)(5)

U.S. Code Citation	Short Title
18 U.S.C. 32	Destruction of aircraft or aircraft facilities
18 U.S.C. 37	Violence at international airports
18 U.S.C. 81	Arson within special maritime and territorial jurisdiction
18 U.S.C. 175 or 175b	Prohibitions against developing, possessing, or transferring biological weapons
18 U.S.C. 175c	Prohibitions against producing, possessing transferring, using, or threatening to use variola virus
18 U.S.C. 229	Prohibitions against chemical weapons
18 U.S.C. 351(a), (b), (c), or (d)	Congressional, cabinet, and Supreme Court assassination and kidnaping
18 U.S.C. 831	Nuclear materials
18 U.S.C. 832	Participation in nuclear and weapons of mass destruction threats to the United States
18 U.S.C. 842(m) or (n)	Plastic explosives
18 U.S.C. 844(f)(2) or (3)	Arson and bombing of Government property risking or causing death
18 U.S.C. 844(i)	Arson and bombing of property used in interstate commerce
18 U.S.C. 930(c)	Killing or attempted killing during an attack on a Federal facility with a dangerous weapon
18 U.S.C. 956(a)(1)	Conspiracy to murder, kidnap, or maim persons abroad
18 U.S.C. 1030(a)(1)	Protection of computers
18 U.S.C. 1030(a) (5)(A) with damage as listed in 1030(c)(4)(A)(i) (II)–(VI)	Protection of computers

18 U.S.C. 1114	Killing or attempted killing of officers and employees of the United States
18 U.S.C. 1116	Murder or manslaughter of foreign officials, official guests, or internationally protected persons
18 U.S.C. 1203	Hostage taking
18 U.S.C. 1361	Government property or contracts
18 U.S.C. 1362	Destruction of communication lines, stations, or systems
18 U.S.C. 1363	Injury to buildings or property within special maritime and territorial jurisdiction of the United States
18 U.S.C. 1366(a)	Destruction of an energy facility
18 U.S.C. 1751(a), (b), (c), or (d)	Presidential and Presidential staff assassination and kidnaping
18 U.S.C. 1992	Terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air
18 U.S.C. 2155	Destruction of national defense materials, premises, or utilities
18 U.S.C. 2156	Production of defective national defense material, premises, or utilities
18 U.S.C. 2280	Violence against maritime navigation
18 U.S.C. 2280a	Violence against maritime navigation and maritime transport involving weapons of mass destruction
18 U.S.C. 2281 - 2281a	Violence against maritime fixed platforms
18 U.S.C. 2332	Certain homicides and other violence against United States nationals occurring outside of the United States
18 U.S.C. 2332a	Use of weapons of mass destruction
18 U.S.C. 2332b	Acts of terrorism transcending national boundaries
18 U.S.C. 2332f	Bombing of public places and facilities
18 U.S.C. 2332g	Missile systems designed to destroy aircraft

18 U.S.C. 2332h	Radiological dispersal devices
18 U.S.C. 2332i	Acts of nuclear terrorism
18 U.S.C. 2339	Harboring terrorists
18 U.S.C. 2339A	Providing material support to terrorists
18 U.S.C. 2339B	Providing material support to terrorist organizations
18 U.S.C. 2339C	Financing of terrorism
18 U.S.C. 2339D	Military-type training from a foreign terrorist organization
18 U.S.C. 2340A	Torture
42 U.S.C. 2122 (Section 92 of Atomic Energy Act of 1954)	Prohibitions governing atomic weapons
42 U.S.C. 2284 (Section 236 of Atomic Energy Act of 1954)	Sabotage of nuclear facilities or fuel
49 U.S.C. 46502	Aircraft piracy
49 U.S.C. 46504	Assault on a flight crew with a dangerous weapon
49 U.S.C. 46505(b)(3) or (c)	Explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft
49 U.S.C. 46506	Application of certain criminal laws to acts on aircraft (if homicide or attempted homicide is involved)
49 U.S.C. 60123(b)	Destruction of interstate gas or hazardous liquid pipeline facility
21 U.S.C. 960 (Section 1010A of the Controlled Substances Import and Export Act)	Narco-terrorism

Table 2. Sentence Length by Demographic Variables (n = 4653)

Variable	Categories	Count	% of Sentenced Cases	Mean	Median	SD
Ethnicity	White	3058	65.72	67.44	24	118.42
	Middle Eastern/North African	555	11.93	163.95	60	353.21
	Black/African/African American	382	8.21	111.48	59	144.76
	Unknown	258	5.54	67.03	15	309.14
	Latino/Hispanic	220	4.73	117.92	36	173.36
	Asian/South Asian	135	2.90	97.59	36	131.55
	Biracial/Multiracial	22	0.47	55.94	11	91.87
	American Indian/Alaska Native	16	0.34	21.31	15.5	19.90
	Hawaiian/Pacific Islander	7	0.15	48.57	50	28.37
Gender	Male	4057	87.19	91.81	33	193.72
	Female	578	12.42	44.00	3.1	95.22
	Gender non-conforming	12	0.26	0.59	0	1.73
	Unknown	6	0.13	37.33	0.5	62.65
Age	16-19	159	3.42	76.62	33	118.51
	20-29	1400	30.09	91.82	30	226.76

	30-39	1141	24.52	89.80	36	159.41
	40-49	787	16.91	86.51	30	209.28
	50-59	531	11.41	80.29	24	142.43
	60+	261	5.61	74.87	18	163.02
	Unknown	374	8.04	65.96	24	93.07
Religion	Unknown	3102	66.67	59.39	18	137.57
	Muslim	875	18.81	174.97	108	299.81
	Christian	594	12.77	89.31	36.5	136.35
	Other	30	0.64	93.68	56	100.24
	Jewish	14	0.30	85.96	39	106.83
	Non-religious	5	0.11	99.00	36	146.94
	Missing	33	0.71	97.39	36	156.63
Ideology	Rightist	2536	54.50	71.71	28	147.09
	Salafi/Jihadist/Islamist	766	16.46	189.62	120	311.73
	Leftist	634	13.63	38.14	6	97.30
	No affiliation	284	6.10	54.75	12	126.84
	Unclear	163	3.50	89.48	30	135.86
	Nationalist-separatist	75	1.61	137.73	54	203.53
	Other	40	0.86	68.90	22.5	130.23
	Missing*	155	3.33	23.21	1	79.70
Citizenship	U.S. citizen	3891	83.62	76.19	28	152.03
	Foreign national	407	8.75	170.49	70	295.46
	U.S. permanent resident	69	1.48	195.51	84	484.91

	Unknown	60	1.29	89.31	16.25	163.32
	Residing in U.S. on visa	35	0.75	138.29	60	221.41
	Residing in U.S. as refugee	12	0.26	344.67	81	809.27
	Missing*	180	3.87	24.85	0.7	84.27
Othered	Non-othered	3050	65.55	66.19	24	144.38
	Othered**	1526	32.80	126.96	53	243.96
	Unknown	3	0.06	46.33	7	74.27
	Missing	75	1.61	31.58	12	74.60

*The cases with missing or blank data for these variables in our data predominantly come from January 6, 2021 Capitol cases, which tend to have large amounts of sentences of little or no months imprisonment.

**In tPP, an ‘othered’ defendant is one that is understood to be different from ‘an average American’ standards in the eyes of an ‘average American jury’ in terms of perceived/actual ethnicity, religion and/or citizenship. A typical ‘non-othered’ defendant would be one that can pass as a white, American-born, Christian.

Table 3. Common Charges By Criminal Method

Criminal Method	Common U.S.C. Statutes Appearing in tPP
Providing material support	18:2339B Providing material support or resources to designated foreign terrorist organizations; 18:2339A Providing material support to terrorists; 18:951 Acting as an agent of a foreign government; 18:371 Conspiracy to commit offense or to defraud United States; 18:2332b Terrorism transcending national boundaries; 18:922(g) Possession of firearm by prohibited person; 18:1546 Fraud and misuse of visas, permits, and related documents; 18:1962 Violation of the Racketeer Influenced and Corrupt Organizations Act; 21:841 Distribution/Manufacturing/Possession with intent to distribute
Blockading, unlawful assembly	18:248(a)(1) - (3) Violations of Freedom of Access to Clinic Entrances Act; 18:231 Civil disorder; 18:1752(a)(1) - (5) Entering and remaining in a restricted building or grounds; 40:5104 Unlawful activities within the U.S. Capitol grounds and buildings;18:241 Conspiracy against rights; 33:403 Obstruction of navigable waters
Threat, harassment	18:871 Threats against President and successors to the Presidency; 18:875 Transmitting threatening communications in interstate and foreign commerce; 18:35 Imparting or conveying false information;18:115 Threats against a federal official; 18:879 Threats against former Presidents and certain other persons; 18:876 Mailing threatening communications; 18:241 Conspiracy against rights
Explosives	Various violations under 18:844, primarily 18:844(i) Arson in interstate commerce; 18:844(f)(1) Malicious damage or destruction of U.S. property by fire or explosive; 18:844(n) Conspiracy to commit arson; 18:371 Conspiracy to commit offense or to defraud United States; 26:5861(d) and (f) Manufacture of possess unregistered destructive device/firearm; 18:2332a Use of weapons of mass destruction
Firearms	18:922(g) Possession of firearm by prohibited person; 26:5861(d) and (f) Manufacture of possess unregistered destructive device/firearm; 18:924(c) Using a firearm during a crime of violence; 18:922(o) Unlawful possession of a machine gun; 18:1111 Murder
Vandalism, sabotage	18:248(a)(1) - (3) Violations of Freedom of Access to Clinic Entrances Act; 18:247 Damage to Religious Property; 22 D.C. Code 1322(d) Inciting or urging to riot; 22 D.C. Code 1322(b) Rioting; 18:1361 Depredation of government property; 18:1366 Destruction of an energy facility;
Arson	Various arson violations 18:844, primarily 18:844(i) Arson in interstate commerce; 18:844(f)(1) Malicious damage or destruction of U.S. property by fire or explosive; 18:844(n) Conspiracy to commit arson; 18:371 Conspiracy to commit offense or to defraud United States; 18:247 Use of fire to damage religious property; 18:241 Conspiracy against rights

Criminal violation not linked or motivated politically	18:1956 Money laundering; 18:1028 Fraud and related activity in connection with identification documents, authentication features, and information; 18:1001 False statements
Other weapons	18:249 Hate crimes acts; 18:111 Assaulting, resisting, or impeding certain officers or employees; 18:231 Civil Disorder
Unarmed assault	18:249 Hate Crimes Prevention Act; 18:1959 Violent crimes in aid of racketeering activity; Violation of the Racketeer Influenced and Corrupt Organizations Act; 18:111 Assaulting, resisting, or impeding certain officers or employee; 18:231 Civil Disorder
Uncategorized	18:371 Conspiracy to commit offense or to defraud United States; 18:1341 Frauds and swindles; 26:7201 Tax evasion; 18:1959 Violent crimes in aid of racketeering activity
Perjury, obstruction of justice	18:1503 Obstruction of justice; 18:1001 False statements; 18:1519 Falsifying records in a federal investigation; 18:1621 Perjury; 18:1512 Witness tampering
Armed intimidation, standoff	18:372 Conspiracy to impede or injure officer; 18:924(c) Use and carry of firearm in relation to a crime of violence; 18:1951 Interference with commerce by threat or violence; 18:2 Aiding and abetting; 18:3 Accessory after the fact
Hostage-taking	18:1201 Kidnapping; 18:120(c) Kidnapping conspiracy; 18:1203 Hostage Taking; 18:371 Conspiracy to commit offense or to defraud United States
Chemical or biological weapon deployment	18:2332a Use a weapon of mass destruction; 18:35 Imparting or conveying false information; 18:229 Possession of chemical weapons; 18:175 Possession of a toxic substance with intent to use it as a weapon
Vehicle ramming	18:247 Damaging Religious Real Property ; 18:249 Hate crime resulting in death;18:33 Destruction of a motor vehicle employed in interstate commerce; 18:111 Assaulting, resisting, or impeding certain officers or employees
Unknown, unspecified, undeveloped	18:1959(a)(6) Conspiracy to Commit Assault in Aid of Racketeering Activity; 18:371 Conspiracy to commit offense or to defraud United States; 26:5861(d) and (f) Conspiracy to possess destructive devices; 18:372 Conspiracy to impede or injure officer
Note: The order in which charge statutes are listed does not necessarily indicate frequency of use for a certain method.	

Table 4. Sentence Length by Criminal Method (n = 4653)

Criminal Method	Count	% of Sentenced Cases	Mean	Median	SD
Providing material support	998	21.45	139.74	110	129.42
Blockading/unlawful assembly	866	18.61	7.62	0.47	19.54
Threat/Harassment	398	8.55	30.93	18	44.25
Explosives	338	7.26	226.79	120	405.05
Firearms	334	7.18	168.59	60	332.59
Vandalism/sabotage	293	6.30	9.66	0	32
Arson	285	6.13	71.48	46	83.81
Criminal violation not linked or motivated politically	246	5.29	34.26	5	110.16
Other weapons	233	5.01	78.92	46	108.07
Unarmed assault	219	4.71	60.3	30	91.5
Uncategorized	141	3.03	63.57	28	98.46
Perjury/obstruction of justice	99	2.13	49.05	24	85.3
Armed intimidation/standoff	60	1.29	87.18	18	162.71
Hostage-taking	39	0.84	263.45	264	207.58
Chemical or biological weapon deployment	30	0.64	130.76	92	124.99
Unknown, unspecified, undeveloped	28	0.60	77.89	36	128.26
Vehicle ramming	21	0.45	292.57	66	671.37
Missing	26	0.60	79.35	24	135.64

Table 5. Federal Hate Crime Sentencing Outcomes

U.S. Code Citation	Short Title	Summary	Total Number of Persons in Cases Filed (2010 - 2023)	Mean Prison Sentence in Months (2023)	Example Case in tPP
18 U.S.C. 242	Deprivation of Rights Under Color of Law	Makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.	632	67.5	United States v. Ware, 5:21-cr-00323, (W.D. Okla.)
18 U.S.C. 241	Conspiracy Against Rights	Makes it a crime for two or more people to conspire to injure, threaten, or intimidate someone in the U.S. to prevent them from exercising rights secured by the Constitution or federal laws.	294	150.6	United States v. Dinkle, 1:13-cr-00284, (M.D. Ala.) and United States v. Smith, 1:13-cr-00301, (M.D. Ala.)
18 U.S.C. 249	Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act	Makes it a crime to willfully cause bodily injury or attempt to do so with a dangerous weapon because of a victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.	114	126.5	United States v. DINELL, 2:22-cr-00084, (W.D. Pa.)

18 U.S.C. 245	Federally Protected Activities	Makes it a crime to forcefully or willfully interfere with someone's participation in federally protected activities due to their race, color, religion, or national origin.	39	15.5	United States v. Gust, 3:16-cr-00008, (D.N.D.)
18 U.S.C. 247	Damage to religious property	Makes it a crime to damage or deface religious property or obstruct religious practice because of the religious, ethnic, or racial characteristics of the property.	28	N/A*	United States v. Fox, 3:21-cr-00196, (M.D. Tenn.)
42 U.S.C. 3631	Criminal Interference with Right to Fair Housing	Makes it a crime to use or threaten to use force to injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, any person's housing rights because of that person's race, color, religion, sex, handicap, familial status, or national origin.	26	28	United States v. Vandiver, 4:13-cr-00172, (S.D. Ga.)

Note: Caseload and sentence length data from this table is sourced from the Bureau of Justice Statistics' Federal Justice Statistics Program (https://bjs.ojp.gov/data-collection/federal-justice-statistics-program-fjsp)

*There were no prison sentences from 2023 for this offense; however, the mean *probation* sentence term was 60 months for this year.

Figure 1. Criminal Methods Used in Hate Crimes (n = 501)

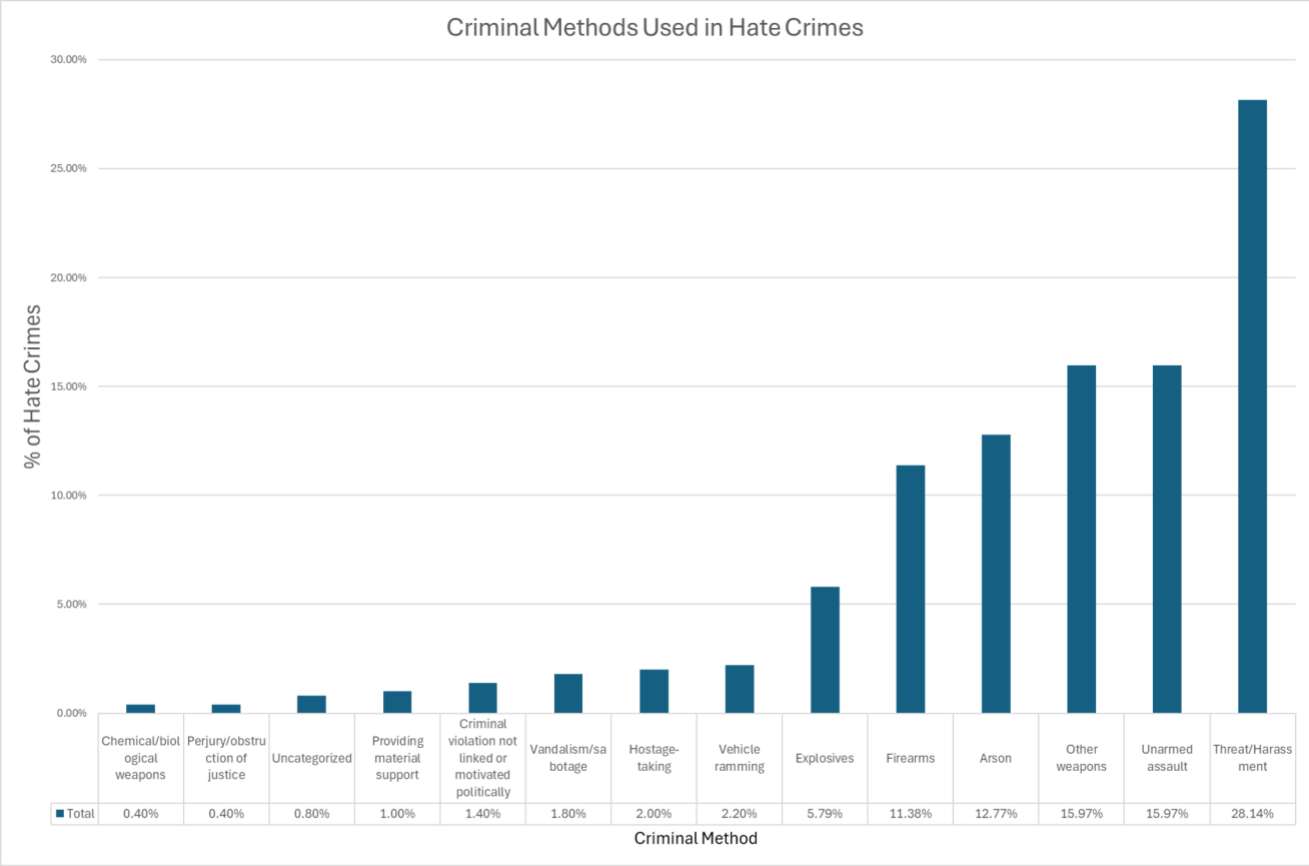

Figure 2. tPP Cases Coded as Hate Crimes Over Time (n = 502)

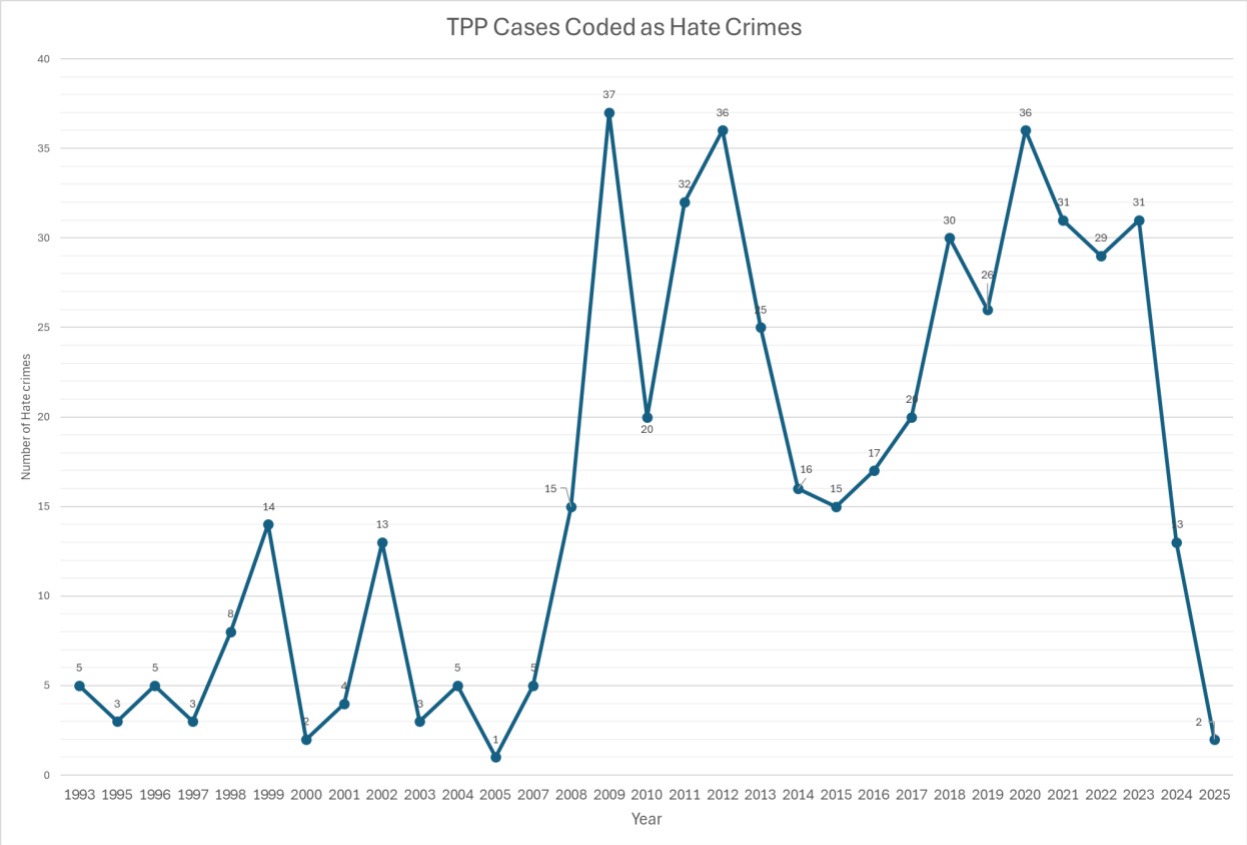

Table 6. Sentenced Individuals Receiving Selected Enhancements

Year (FY)	Terrorism 3A.1.4	Hate Crime 3A.1.(a)	Official Victim 3A1.2
2024	38	39	330
2023	41	36	295
2022	29	21	275
2021	21	29	181
2020	19	14	170
2019	36	18	207
2018	45	20	182
2017	39	19	192
2016	28	20	174
2015	46	16	153
10 Year Average	34.2	23.2	215.9
Source: https://www.ussc.gov/research/sourcebook/archive			